

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Venit *et al.*

SERIAL NUMBER: 09/950,500

EXAMINER: Not Yet Assigned

FILING DATE: September 11, 2001

ART UNIT: 1614

FOR: Combretastatin A-4 Phosphate Prodrug Mono- and Di-Organic Amine Salts, Mono- and Di-Amino Acid Salts, and Mono- and Di-Amino Acid Ester Salts

Commissioner for Patents
Washington, D.C. 20231

May 16, 2002
Boston, Massachusetts

**STATEMENT FILED PURSUANT TO
THE DUTY OF DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 and 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

PART I: Compliance With 37 C.F.R. §1.97

(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed:

(Check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the National Application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International Application.
3. ☒ before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(Check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that (Check a or b below)
 - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
No fee is required.
 - b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart for this application or, to the knowledge of the under signed after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
No fee is required.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

1. The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that:
(Check a or b below)
 - a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
 - b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
2. A petition requesting consideration of the Information Disclosure Statement is attached.
3. The petition fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II: Information Cited

A. ☒ The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. ☐ The Applicants hereby make the following additional information of record in the above-identified application:

**PART III: Explanation of Non-English Language References
and Remarks Concerning Other Information Cited**

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified).

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that a more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

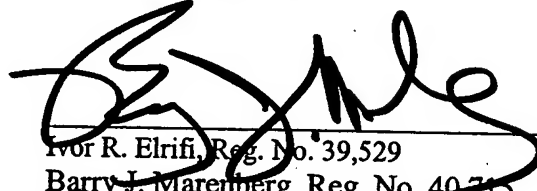
By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Applicants: Venit et al.
U.S.S.N.: 09/950,500

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Ivor R. Elrifi, is written over a horizontal line.

Ivor R. Elrifi, Reg. No. 39,529
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Date: May 16, 2002

TRA 1664530v1

Application Number	09/950,500
Filing Date	September 11, 2001
First Named Inventor	John J. Venit
Group Art Unit	1614
Examiner Name	Not Yet Assigned
Attorney Docket Number	18217-504 (Formerly LD0232NP)

PATENT DOCUMENTS

Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

PATENT DOCUMENTS

Patentee(s) or Applicant(s)	Date of Publication	Translation	
		Yes	No
Molecules Limited	1 October 1992		
Board of Regents	15 July 1999		

NON-PATENT LITERATURE DOCUMENTS

Publication, Volume, Page(s), Date, Etc.

US 5,933,393. Synthesis of the trans-isomer of combretastatin A-4
US 5,933,398; 13:981-993.

International Application No. PCT/US01/28401.

Not cited by or submitted to the office in a prior application,
and relied upon for an earlier filing date under 35 U.S.C. § 120
(s).

	Date Considered	
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Citation is in conformance with MPEP 609; Draw line through citation if

not.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Venit et al.

SERIAL NUMBER: 09/950,500

EXAMINER : Reyes, Hector M.

FILING DATE : September 11, 2001

ART UNIT : 1625

FOR : COMBRETASTATIN A-4 PHOSPHATE PRODRUG MONO- AND DI-ORGANIC
AMINE SALTS, MONO- AND DI-AMINO ACID SALTS, AND MONO- AND DI-
AMINO ACID ESTER SALTS

Box IDS

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents on the attached modified Form PTO-1449 (submitted in duplicate) in the above-identified application. The order of presentation of the references should not be construed as an indication of the importance of the references.

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

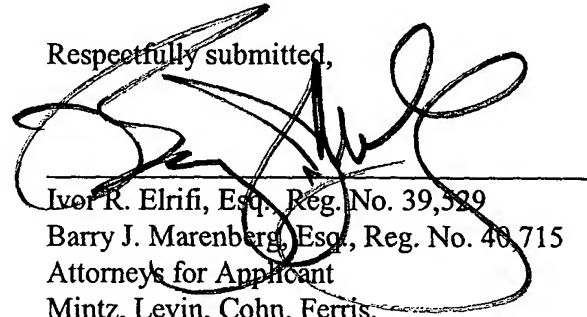
A copy of each of the references is enclosed unless otherwise indicated on the attached Form PTO-1449 (modified). It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the

information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested. Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 Reference No. 18217-504.

Respectfully submitted,



Iver R. Elrifi, Esq., Reg. No. 39,329
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Dated: October 11, 2002

TRA 1721912v1

Please type a plus sign (+) in this box



PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Application Number	09/950,500
	Filing Date	September 11, 2001
	First Named Inventor	Venit
	Group Art Unit	1625
	Examiner Name	Reyes, Hector M.
	Attorney Docket Number	18217-504

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A1	US 5,561,122	October 1, 1996	Arizona Board of Regents	514	130	December 22, 1994
	A2	US 5,674,906	October 7, 1997	Ajinomoto Co., Inc.	514	626	March 7, 1996
	A3	US 4,659,701	April 21, 1987	BASF Aktiengesellschaft	514	130	September 20, 1985
	A4	US 5,231,112	July 27, 1993	The Liposome Company, Inc.	514	401	July 27, 1993
	A5	US 6,025,507	February 15, 2000	Schering Aktiengesellschaft	C07D 303	16	February 19, 1996

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Office	Patent Document Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	
	B3	WO	00/48590	Angiogene Pharmaceuticals Ltd.	24 August 2000		
	B4	WO	00/48591	Angiogene Pharmaceuticals Ltd.	24 August 2000		
	B5	WO	02/14329	Angiogene Pharmaceuticals Ltd.	21 February 2002		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.

a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.